

DAVID N. WOLF (6688)  
GREG SODERBERG (14016)  
Assistant Utah Attorneys General  
OFFICE OF THE UTAH ATTORNEY GENERAL  
160 East 300 South, Sixth Floor  
P.O. Box 140856  
Salt Lake City, Utah 84114-0856  
Telephone: (801) 366-0100  
Facsimile: (801) 366-0101  
E-mail: dnwolf@agutah.gov  
E-mail: gsoderberg@agutah.gov

*Counsel for State Defendants*

---

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

RUSSELL G. GREER,  
Plaintiff,

v.

GARY R. HERBERT, et al.,  
Defendants.

**STATE DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Case No. 2:16-cv-01067-DBP

Magistrate Judge Dustin B. Pead

---

The State Defendants, pursuant to District of Utah Local Rule 7-1(b)(4), submit this Notice of Supplemental Authority. On January 17, 2018, the United States Court of Appeals for the Ninth Circuit issued its decision in *Erotic Service Provider Legal Education and Research Project v. Gascon*, ---F.3d---, 2018 WL 445461 (January 17, 2018). The Ninth Circuit affirmed the district court's conclusions that a law prohibiting prostitution survived constitutional challenges based on substantive due process, freedom of association, the right to earn a living, and freedom of speech. *Gascon*, 2018 WL 445461 at \*2–7. The Ninth Circuit held that commercial sex is not a fundamental liberty interest, and that the state law prohibiting

prostitution was rationally related to legitimate state interests. *Gascon*, 2018 WL 445461 at \*3–5.

The State Defendants referred to the district court’s conclusions in *Gascon* at page 12 of the State Defendants’ Motion to Dismiss Plaintiff’s Supplemental Complaint. *Doc. 57*. A copy of the Ninth Circuit’s decision is attached as Exhibit A.

DATED: January 22, 2018.

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Greg Soderberg  
DAVID N. WOLF  
GREG SODERBERG  
Assistant Utah Attorneys General  
*Counsel for State Defendants*

**CERTIFICATE OF SERVICE**

On January 22, 2018, **State Defendants' Notice of Supplemental Authority** was emailed to:

Russell Greer  
E-mail: russmark@gmail.com  
*Pro Se Litigant*

/s/ Mohamed I. Abdullahi